

Exhibit B

From: Shumate, Keith
Sent: Thursday, March 13, 2025 6:05 PM
To: Polenberg, Jon; borell@marshall-melhorn.com
Cc: Silverman, Brittany
Subject: RE: Wendy's Netherlands B.V. v. Levy, 2:24-cv-03077 - evidentiary hearing

Jon:

Your proposal is not acceptable to the client. It is too late to subpoena any witnesses, and it is not proper to have a lawyer testify about emails sent on behalf of a client. If your concern is admissibility, I think we can discuss stipulating to such emails. Thanks.

Keith Shumate
Squire Patton Boggs (US) LLP
Direct: 614.365.2834 | Mobile: 614.580.4780
keith.shumate@squirepb.com





From: Polenberg, Jon <JPolenberg@beckerlawyers.com>
Sent: Thursday, March 13, 2025 5:10 PM
To: Shumate, Keith <keith.shumate@squirepb.com>; borell@marshall-melhorn.com
Cc: Silverman, Brittany <brittany.silverman@squirepb.com>
Subject: [EXT] RE: Wendy's Netherlands B.V. v. Levy, 2:24-cv-03077 - evidentiary hearing

Yes, for Mr. Kaffenbarger. For either Kerry Green or Kirk Vidra, the only questions I would be asking concern the emails sent to Levy. Nothing that would tend to touch any attorney client privilege or work product. I am willing to stipulate to that limited scope.

Jon Polenberg
Shareholder
Vice Chair, Business Litigation Practice Group

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From: Shumate, Keith <keith.shumate@squirepb.com>
Sent: Thursday, March 13, 2025 5:05 PM
To: Polenberg, Jon <JPolenberg@beckerlawyers.com>; borell@marshall-melhorn.com
Cc: Silverman, Brittany <brittany.silverman@squirepb.com>
Subject: RE: Wendy's Netherlands B.V. v. Levy, 2:24-cv-03077 - evidentiary hearing

Jon:

Thanks for getting back to us, but none of the individuals on the list is a viable witness for the hearing. Kerry Green and Kirk Vidra are attorneys, and they represented their client (Wendy's) in the transaction at issue, similar to the role that you and Brian Daughney played on behalf of your clients. Carlos Ribas is located in Florida, and Peter Koumas is no longer with the company and is located in Colorado, in any event. Nevertheless, we still will have Kris Kaffenbarger as the key Wendy's witness, who will be at the hearing on March 19. Mr. Kaffenbarger was the primary contact with Mr. Levy regarding the negotiation over the note at issue in this proceeding. Thanks.

Keith Shumate
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From: Polenberg, Jon <JPolenberg@beckerlawyers.com>
Sent: Thursday, March 13, 2025 1:53 PM
To: Shumate, Keith <keith.shumate@squirepb.com>; borell@marshall-melhorn.com
Cc: Silverman, Brittany <brittany.silverman@squirepb.com>
Subject: [EXT] RE: Wendy's Netherlands B.V. v. Levy, 2:24-cv-03077 - evidentiary hearing

Hello Keith. I had not heard back from you regarding the email below. In case you were waiting for me, here are 4 names from which Wendy's may pick one to appear for the evidentiary hearing in addition to having Mr. Kaffenbarger appear:

Carlos Ribas
Peter Koumas
Kerry Green






Kirk Vidra

Jon Polenberg

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Vice Chair, Business Litigation Practice Group

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From: Polenberg, Jon <JPolenberg@beckerlawyers.com>
Sent: Wednesday, March 12, 2025 5:11 PM
To: Shumate, Keith <keith.shumate@squirepb.com>; borell@marshall-melhorn.com
Cc: Silverman, Brittany <brittany.silverman@squirepb.com>
Subject: RE: Wendy's Netherlands B.V. v. Levy, 2:24-cv-03077 - evidentiary hearing

Good afternoon, Keith.

Thank you for your email. Although I do not agree with your position, we can agree to a compromise. I am happy to have Mr. Kaffenbarger attend the hearing but I would also appreciate at least one other witness attend. Unfortunately, the person who has those names has left the office already, and I do not believe I can get you the other names by 9:00 a.m. If you are amenable to producing one more witness, then please consider waiting until 10:00 a.m. for me to send a short list of witnesses to pick from. You would then pick which person would testify (as you know who is still employed).






Thank you,

Jon Polenberg

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Vice Chair, Business Litigation Practice Group



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From: Shumate, Keith <keith.shumate@squirepb.com>
Sent: Wednesday, March 12, 2025 5:01 PM
To: Polenberg, Jon <JPolenberg@beckerlawyers.com>; borell@marshall-melhorn.com
Cc: Silverman, Brittany <brittany.silverman@squirepb.com>
Subject: Wendy's Netherlands B.V. v. Levy, 2:24-cv-03077 - evidentiary hearing

Hello Jon:

I write in connection with the attempt by Mr. Levy to subpoena 11 witnesses for the hearing. We understand that Mr. Levy's process server dropped off subpoenas at Wendy's corporate office yesterday and that process server returned this morning to retrieve the subpoenas so that he could attempt to serve them at the witnesses' home addresses. Some of these witnesses are not even located in Ohio. At this point, it is unclear if any of the witnesses have been served, even though the hearing is less than one week away. Under Rule 45, the Court must quash or modify a subpoena that "fails to allow a reasonable time to comply". The Courts have consistently ruled that a subpoena should be served at least 14 days in advance of the hearing/deposition to meet the reasonable time requirement. In this case, Mr. Levy's subpoenas do not meet the reasonable time requirement, and Wendy's is prepared to move to quash them.

In an attempt to resolve this matter without Court intervention, Wendy's proposes to make Kris Kaffenbarger available at the hearing. Mr. Kaffenbarger is the Vice President, Global System Optimization, Franchise and Portfolio Management, and he was the lead operational person from Wendy's who dealt directly with Mr. Levy. In exchange for making Mr. Kaffenbarger available, Mr. Levy must cease attempting to subpoena any additional Wendy's witnesses for the March 19, 2025 hearing.

Please let me know tomorrow by 9 am if you are in agreement with our proposed compromise. Thank you.

SQUIR | **Keith Shumate**
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